IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.740 2007

Sandeep Rajendra Surolia
and 5 Ors. ..Petitioners.

Versus

State of Maharashtra. ..Respondent.

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Mr.D.S.Sapkale, Adv. for the Petitioners.
Mrs.A.S.Pai, APP, for the State.

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CORAM : SMT.V.K.TAHILRAMANI,J.
DATED : NOVEMBER 30, 2007.

P.C.:

1. Heard the learned Advocate for the petitioners and the learned A.P.P. for the State.

2. The petitioners-orig.accused are seeking quashing of process issued by the learned M.M., 34th Court at Vikhroli, Mumbai in C.C.No.445/PW/2006. The said case pertains to C.R.No.50 of 2006 of Vikhroli Police Station. In the said case process is issued under Sections 498-A, 406 read with 34 of IPC.

3. For the reasons recorded in the the case of **V.K.Jain and others Vs. Pratap V. Padode, reported in 2005(3) Mh.L.J.778,** which has been upheld by the Hon'ble Apex Court, I am of the

opinion that the petitioners have an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my view, it would be appropriate that the petitioners prefer revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the petitioners to prefer the necessary revision before the concerned Sessions Court. The learned advocate for the petitioners makes a statement that the necessary revision will be preferred within six weeks from today. In view of this statement, the trial Court shall not proceed with the trial for a period of six weeks from today.

5. On the necessary revision being preferred by the petitioners before the concerned Sessions Court, the concerned Sessions Court after hearing necessary parties shall dispose of the matter on merits.

6. Writ Petition is disposed of accordingly.

(SMT.V.K.TAHILRAMANI,J.)